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**STATE OF VERMONT  
LIQUOR CONTROL BOARD**

**IN RE:**

**Hunger Mountain Cooperative, Inc.  
d/b/a Hunger Mountain Co-op, Inc.  
623 Stone Cutter's Way  
Montpelier, Vermont**

**DECISION**

The Liquor Control Board (LCB) held proceedings in Montpelier, Vermont, on June 13, 2012, to consider the suspension or revocation of the Second Class Liquor License granted to Licensee, Hunger Mountain Cooperative, Inc., d/b/a Hunger Mountain Co-op, Inc., 623 Stone Cutter's Way, Montpelier, Vermont. The Licensee was present by and through Kari Bradley, its general manager. The Licensee was not represented by an attorney. The Department of Liquor Control (DLC) was present and represented by Assistant Attorney General Jacob A. Humbert.

A Notice of Hearing, dated June 11, 2012, with Investigator's Report or DLC Ticket attached, was sent to the Licensee by which it was alleged that the Licensee failed to notify the Liquor Control Board of changes to its slate of corporate directors/officers at least twenty days prior to any change taking effect, in violation of General Regulation No. 21(a). General Regulation No. 21(a) was duly adopted by the Liquor Control Board.

**FINDINGS OF FACT**

1. The Licensee, Hunger Mountain Cooperative, Inc., d/b/a Hunger Mountain Co-op, Inc., 623 Stone Cutter's Way, Montpelier, Vermont, is the holder of a Second Class Liquor License by which it is permitted to sell alcoholic liquor for off premise consumption.

2. General Regulation No. 21(a) states:

Corporations and associations which hold liquor licenses shall have prior approval from the Liquor Control Board of any change of directors, officers, manager, or

affiliates, and of any change in shares which causes the holdings of any new or existing shareholder, including the holdings of that shareholder's immediate family, to equal ten percent or more of the corporation's or association's voting shares. Notices shall be given in writing to the Liquor Control Board not later than twenty days prior to any change. The Board will consider changes in the same way that new licenses are considered. If changes, other than changes caused by the death of a joint tenant, are concluded without obtaining prior Board approval, in writing, the license shall be subject to suspension or revocation.

3. It is clear from General Regulation No. 21(a) that the requirement of the Regulation is that licensees give the Liquor Control Board notice of any change of directors, officers, managers, etc., twenty days prior to that change taking effect. If this is not done, the Liquor Control Board may subject the licensee after hearing to a suspension or revocation of its liquor license.

4. Kari Bradley, the general manager of the Licensee, and the DLC enforcement personnel were in communication on this matter sufficiently before the date of this hearing so that by agreement the Licensee accepted short notice of a hearing date, i.e., June 13, 2012, after a notification date of June 11, 2012. It was desirable from the Department's point of view as well as from the Licensee's point of view to resolve this matter quickly.

5. After a discussion on the record between the Board and the parties, it was learned that the Licensee gave timely notice to the DLC of the slate of directors at least twenty days in advance of the new directors taking office. The problem, however, is that the DLC traditionally has used the website of the Secretary of State's Office of the State of Vermont as the source of information concerning any Licensee's changes, if any, in the status of their directors, officers, shareholders, etc. The Secretary of State's Office, however, had not updated their website quickly enough to provide current information. The DLC therefore did not receive the correct information.

6. It is clear, however, that General Regulation No. 21(a) requires a licensee to provide the requested information to the Liquor Control Board, which receives its administrative mail care of the Department of Liquor Control. Therefore, the Licensee is not in violation of General Regulation No. 21(a), and the Board so concludes.

### DECISION

It is the determination of the Liquor Control Board that the allegations against Hunger Mountain Co-op, Inc., for violating General Regulation No. 21(a) are DISMISSED. No violation occurred. Ticket No. 00498 dated June 6, 2012 is voided.



Dated at So. Burlington, Vermont, on this 1<sup>st</sup> day of September, 2012.

LIQUOR CONTROL BOARD

By: Stephanie M. O'Brien  
Stephanie M. O'Brien, Chair

9/25/12  
Sent Regular  
mail -  
- told Andy -

10/3/12  
Spoke to Kari Bradley -  
GM - he received the copy  
sent by regular mail -  
doesn't know why certified is  
unclaimed.

	<b>DLC ENFORCEMENT DIVISION</b> <b>ADMINISTRATIVE NOTICE OF AGENCY ACTION</b> Notice		
	<b>No. 00498</b>		
	License Number 33171 SEICW		

Corporation Name Hunger Mt. Coop		DBA Same
Physical Mailing Address 623 Stone Cottage Way		County Wash
City Montpelier	State VT	Zip Code 05602
Business Phone 802-223-800		

Licensee did then and there commit the following acts  
 in violation of V.S.A. Title 7 Provision, or Liquor Board  
 Regulation:  
 Failure to notify of  
 director change within 20  
 days

**WHICH CONSTITUTES A VIOLATION OF:**

General Regulation # 219 TITLE 7 Provision: 7 VSA

☐ Written Warning- No Fines or Penalties  
 copy of warning placed in licensee file

☒ See Attached Waiver Fine

☐ Administrative Referral

☐ Hearing

PENALTIES

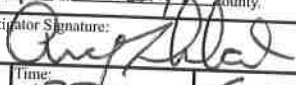
If you plead **DENIED** and the state proves the  
 violation, you will forfeit the waiver amount  
 and be subject to an administrative referral.

If you plead **ADMITTED** or **NO**  
**CONTEST**, you may pay the waiver  
 amount instead of appearing in court.

**WAIVER**  
**AMOUNT** → \$ 200

Delivered To: Last Bradley	First Keri	MI MI	Date of Birth 2-29-68
Signature:		<input checked="" type="checkbox"/> M <input type="checkbox"/> F	Title: Mayor

The undersigned complains that the Licensee did violate the above identified V.S.A. Title 7 provision, or Liquor Control  
 Board Regulation on this 6 day of June 2013 at Wash county.

Investigator Name: Thibault	Investigator Signature: 
Investigator #: 2080	Date Served: 6-6-12
Time: 1330	<input checked="" type="checkbox"/> Hand <input type="checkbox"/> USMail

\*Important info about this administrative notice of agency action on reverse side  
 WHITE: Enforcement; YELLOW: Investigator; PINK: Licensee; Goldenrod: Return with Fine

ENFORCEMENT

**DLC ENFORCEMENT DIVISION  
ADMINISTRATIVE NOTICE OF AGENCY ACTION**

Notice

No. 00498



License Number

3317 SEEN

Corporation Name

DBA

Hungar Mhu Corp

Sine

Physical Mailing Address

County

623 Stew Cullen Way

Wash

City

State

Zip Code

Business Phone

Maple

VI

00002

223 800

Licensee did then and there commit the following acts  
in violation of V.S.A. Title 7 Provision, or Liquor Board  
Regulation:

Failing to notify of  
director change within 20  
days

WHICH CONSTITUTES A VIOLATION OF:

General Regulation #

TITLE 7 Provision: 7VSA

☐ Written Warning- No Fines or Penalties  
copy of warning placed in licensee file

☐ See Attached Waiver Fine

☐ Administrative Referral

☐ Hearing

If you plead **DENIED** and the state proves the  
violation, you will forfeit the waiver amount  
and be subject to an administrative referral.

If you plead **ADMITTED** or **NO  
CONTEST**, you may pay the waiver  
amount instead of appearing in court.

WAIVER

AMOUNT



\$

200

Delivered To: Last

First

MI

Date of Birth

Diadley

Keri

5-29-60

Signature:

☐ M

☐ F

Title:

The undersigned complains that the Licensee did violate the above identified V.S.A. Title 7 provision, or Liquor Control  
Board Regulation on this day of 20 at county.

Investigator Name:

Investigator Signature:

Thhat

Thhat

Investigator #:

Date Served:

Time:

250

6/6

1331

☐ Hand

☐ USMail

\*Important info about this administrative notice of agency action on reverse side

WHITE: Enforcement; YELLOW: Investigator; PINK: Licensee; Goldenrod: Return with Fine

RETURN WITH  
FINE

State of Vermont  
Department of Liquor Control  
13 Green Mountain Drive  
Montpelier, VT 05602  
liquorcontrol.vermont.gov

[phone] 802-828-2339  
[fax] 802-828-1031

Michael J. Hogan, Commissioner

## NOTICE OF HEARING

**RE: Hearing to consider the suspension or revocation of the Second Class License granted to Hunger Mountain Cooperative, Inc., d/b/a Hunger Mountain Co-op, Inc., 623 Stone Cutter's Way, Montpelier, Vermont said license being granted to sell alcoholic liquor for off-premise consumption.**

Please take notice that pursuant to the authority vested in the Vermont Liquor Control Board by Title 7, Section 236, Vermont Statutes Annotated, a hearing will be held before the Liquor Control Board at the Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont on Wednesday, June 13, 2012 at 9:30 a.m.

The hearing will be held as a formal hearing and will be held to consider the suspension or revocation of the second class license granted to **Hunger Mountain Cooperative, Inc.** said licenses being granted to sell alcoholic liquor for off-premise consumption, for alleged violation of General Regulation No. 21(a) of the regulations duly adopted by the Liquor Control Board, which is set forth and specified below.

**General Regulation 21(a):** Corporations and associations which hold liquor licenses shall have prior approval from the Liquor Control Board of any change of directors, officers, managers, or affiliates, and of any change in shares which causes the holdings of any new or existing shareholder, including the holdings of that shareholder's immediate family, to equal ten percent or more of the corporation's or association's voting shares. Notices shall be given in writing to the Liquor Control Board not later than twenty days prior to any change. The Board will consider changes in the same way that new licenses are considered. If changes, other than changes caused by the death of a joint tenant, are concluded without obtaining prior Board approval, in writing, the license shall be subject to suspension or revocation.

*It is alleged that you failed to notify the Liquor Control Board of changes to your corporate Directors/officers at least twenty days prior to the change in corporate directors in violation of General Regulation No. 21(a).*

The Liquor Control Board shall determine whether or not such alleged violations did occur as specified herein.

Pursuant to Title 3, Vermont Statutes Annotated, Section 809(d), the said **Hunger Mountain Cooperative, Inc.** shall have an opportunity by themselves or through their attorney to appear at said hearing to present evidence and argument on all issues involved in this case and bring before the Liquor Control Board all pertinent facts that the said licensee believes will have a bearing on the issues involved in this case.

All correspondence and documents pertaining to this matter should be sent to the Vermont Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont, 05602, to my attention.

Dated at Montpelier, Vermont, this 11th day of June 2012.

**Vermont Department of Liquor Control**



Michael J. Hogan, Commissioner  
Department of Liquor Control



**Liquor Control Board:**

Stephanie O'Brien, Chair; John P. Cassarino, Member; Walter E. Freed, Member